

HARGRAY COMMUNICATIONS, INC.
P.O. Box 5519
Hilton Head Island, South Carolina 29938

August 10, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Hargray Communications, Inc.
WC Docket No. 05-196
Subscriber Notification Report

Dear Ms. Dortch:

On July 26, 2005, the Federal Communications Commission ("Commission") released a Public Notice requiring interconnected voice over Internet protocol ("VoIP") providers to submit a report regarding notifications sent to subscribers informing them of limitations of their enhanced 911 ("E911") service.¹ Pursuant to this Public Notice, Hargray Communications, Inc. (the "Company") hereby submits the following:

1. A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (*i.e.*, e-mail, U. S. mail).

After the release of the Public Notice, the Company drafted a letter with an associated attachment explaining in plain language the limitations of the subscribers' E911 service. The letters informed the Company's VoIP subscribers that they must sign the attachment indicating that they have read and understood the limitations and instructed them to either mail or fax the signed attachment to the business office. A pre-addressed, postage paid envelope was provided in the mailing if the customers chose to return the attachment by mail. Additionally, the letter contained labels and instructed the customers to attach the labels to their phone or other device used to make VoIP calls. (see Attachment I containing a sample copy of the letter, attachment and labels). The letters were sent to all subscribers on July 28, 2005. Follow up letters were sent on August 9, 2005 which also contained labels.

¹ See *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, WC Docket Nos. 04-36 & 05-196; DA 05-2085, Public Notice (rel. July 26, 2005) ("Public Notice").

2. A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.

As of the date of this report, the Company has received affirmative acknowledgements from 66 percent of its customers. After sending the letters on July 28th, the Company found that approximately 1 percent of its customers have recently disconnected. The Company will continue contacting active customers that have not yet responded and anticipates that it will receive responses from all active subscribers prior to August 29, 2005.

3. A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (*i.e.*, e-mail, U. S. mail).

The Company has prepared labels that read “**Warning** Location Information may not be delivered when dialing 911.” The labels were enclosed in the letters that were sent on July 28, 2005 and August 9, 2005 (see Attachment 1 containing a sample of the labels).

4. A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above.

All subscribers received the letter, attachment and labels.

5. A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.

As noted above, follow up letters were sent on August 9, 2005. The Company will make reminder calls and will continue to do so until all subscribers have responded. As required in the Public Notice, any customers that do not respond by August 29, 2005 will be disconnected on August 30, 2005.

6. A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.

The Company is maintaining a list of all of its subscribers and indicating on that list which customers have responded.

7. The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the *VoIP E911 Order*.

Dewaine Wilson
Controller
Hargray Communications, Inc.
P.O. Box 5519
Hilton Head Island, South Carolina 29938
843-341-1575
dewaine_w@htc.hargray.com

Please contact the undersigned with any questions.

Respectfully Submitted,

s/ Dewaine Wilson

Dewaine Wilson

cc: Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau
Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau
Janice Myles, Competition Policy Division, Wireline Competition Bureau
Best Copy and Printing

ATTACHMENT 1



July 28,2005

**NOTIFICATION REGARDING YOUR INTERNET PHONE SERVICE
PLEASE RESPOND BY AUGUST 8TH**

Dear Valued Customer:

When you signed up to be a customer of the Internet Phone service provided by Hargray Communications, Inc. (Hargray), we explained certain limitations regarding the provision of 911 and enhanced 911 (E911) when using this service. These limitations are further explained in Sections 1.4 and 1.8.2 of the service agreement that you signed with us when you initiated service.

The Federal Communications Commission (FCC) has recently adopted new rules requiring all Internet Phone providers to make sure that their subscribers fully understand the limitations of E911 when using this type of service. These rules require us to obtain verification from you that you have received and understood information regarding the limitations of E911 when using Internet Phone service. **In fulfillment of this requirement, please carefully read the attached summary of some of the major limitations of E911 when using our Internet Phone service, sign the attachment to indicate that you have read and understood these limitations and either mail in the enclosed pre-addressed, postage paid envelope or fax the attachment to our business office at 843-686-1139. Please respond by Monday, August 8, 2005. Please be aware that if no response is made by August 29th, the FCC requires us to discontinue your Internet Phone service.**

The new FCC rules also require that we send the enclosed label to inform users of the E911 limitations. **Please attach the label on or near your phone or other device that is used to make Internet Phone calls.** Please do not hesitate to contact our customer service staff at voip@hargray.com or 1-800-726-1266 if you have any questions or require further assistance regarding 911 or E911 capabilities on your Internet Phone service.

Sincerely,

Hargray Customer Service
1-800-726-1266

Attachment

ATTACHMENT**Summary of Some of the Major Limitations of 911 and E911 Service
When Using Hargray Internet Phone Service**

911-type dialing over Hargray's Internet Phone and any related products or services (Service) is established in the following manner: When you sign up for the Service, you provide us with your physical address which is inserted into the 911 database. 911 service is available within 24 hours after your Service is activated. When you dial 911, your call is routed from the Hargray network to the Public Safety Answering Point (PSAP) or local emergency service personnel designated for the address that you provided. Calls from Hargray's Service to any Enhanced 911 emergency center will report the physical address you provided when the service is initiated, even if the device is moved to another location.

BY SIGNING BELOW, you acknowledge and understand that the Service is different in a number of important ways from traditional phone service, and you agree to inform any household residents, guests and other third persons who may be present at the physical location where you utilize the Service of the important differences and limitations of the Service. Such differences include, but are not limited to

- The 911 service does not function in the event of power failure, or outage of, or termination of service with or by your Internet service provider and/or broadband provider;
- If the device that you use to make Internet Phone calls is moved to a new physical location, calls from Hargray's Service to any Enhanced 911 emergency center will report the physical address you provided when the service was initiated.
- The PSAP or local emergency dispatcher receiving a 911 emergency call may not be able to capture and/or retain automatic number or location information which means that the dispatcher would not know the phone number or physical location of the person who is making the 911 call. In these instances, a caller dialing 911 using Hargray's Service will need to immediately tell the dispatcher the location of the emergency and provide the dispatcher with the phone number so that the dispatcher can call the person back in case the call is disconnected. If the caller is unable to speak or sufficiently describe the location, the emergency dispatcher may not be able to render emergency service to the appropriate location.

Signature: _____ **Phone No.:** _____

Print or Type Customer Name: _____

Please return this page by mail or fax to our office no later than August 8, 2005. Please contact us with any questions at voip@hargray.com or 1-800-726-1266

WARNING

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delivered when dialing 911

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